

REMARKS

The Official Action dated June 19, 2007, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested. Claims 18, 21 and 36-37 have been amended. Claims 11, 17 and 22-35 have been cancelled. Support for the amendments can be found in the specification, claims and drawings as originally filed (for example, see specification at p. 18, lines 20-22). It is believed that these changes do not involve any introduction of new matter, and thereby entry is believed to be in order and is respectfully requested. Claims 18, 21 and 36-37 remain in the application for consideration.

In the Official Action, claim 37 was objected to. In light of the amendment to claim 37, Applicant believes the objection has been overcome. As such, reconsideration is respectfully requested.

In the Official Action, claim 11 was rejected under 35 U.S.C. § 102(b) as being anticipated by Svenson et al (U.S. Patent No. 5,409,008). In light of the cancellation of claim 11, Applicant believes this rejection is now moot, and thus, respectfully requests reconsideration.

In the Official Action, independent claims 21 and 36 (from which claims 18 and 37 respectively depend) were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious and unpatentable over Svenson et al. The Examiner asserted that Svenson et al disclose a mapping catheter which includes a polymer member, bipolar sensing electrodes, a spaced unipolar electrode and a lumen within the polymer member. Moreover, the Examiner contends that Svenson et al disclose a laser delivery catheter which can be passed through the center hollow lumen of the mapping catheter and the myocardium irradiated for a predetermined period of time to ablate the site. In addition, the Examiner notes that Svenson et al teach a polymer tube-like sheath (24) which connects between a catheter tip (12) and a hand piece, and houses a plurality of wires (21a-21c) between the polymer sheath and the underlying stainless steel support tube, which the Examiner contends is a hollow sheath having a distal end.

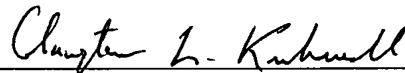
However, as will be set forth in detail below, it is submitted that the transseptal apparatuses as recited in claims 21 and 36 are not anticipated by, or in the alternative are not obvious over, Svenson et al. Accordingly, these rejections are traversed and reconsideration is respectfully requested.

Rejection for anticipation or lack of novelty requires, as the first step in the query, that all

elements of the claimed invention be described in single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 493 U.S.P.Q.853 (1989). Also, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Independent claims 21 and 36 recite transseptal apparatuses which include a hollow sheath, a catheter and a recording device, wherein the catheter removably contacts the hollow sheath. However, Svenson et al fail to teach or suggest a transseptal apparatus having a catheter which removably contacts a hollow sheath. The Examiner contends that the polymer sheath (24) disclosed in Svenson et al is a hollow sheath, however, this polymer sheath serves to capture the wires (21a-21c) of the device and seals the wires to secure them to a support tube (see col. 3, lines 67 - col. 4, line 9), and thus, is not removable. Therefore, the catheter of Svenson et al does not removably contact the polymer sheath (24), and as such, is not a hollow sheath as recited in independent claims 21 and 36. As such, Svenson et al fail to teach or suggest the presently claimed transseptal apparatuses of claims 21 and 36 (from which claims 18 and 37 respectively depend), whereby the rejections under 35 U.S.C. §§ 102 and 103 have been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the objections and rejections under 35 U.S.C. §§ 102 and 103, and as such, place the present application having claims 18, 21 and 36-37 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully Submitted,



Clayton L. Kuhnell
Registration No. 48,691
Dinsmore & Shohl, LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8377